

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

STEPHEN M. STRADTMAN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:14cv1289 (JCC/JFA)
)	
REPUBLIC SERVICES, INC., <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

ORDER

This matter is before the court on plaintiff's Motion for Clarification (Docket no. 152), of the ruling issued by the undersigned magistrate judge on May 8, 2015. Having considered the motion, memorandum in support (Docket no. 153), defendants' response (Docket no. 155), and plaintiff's reply (Docket no. 156), it is hereby

ORDERED that, to the extent the ruling was unclear, plaintiff has waived any marital privilege and has waived any attorney-client privilege or work product protection for documents that should have been identified on a privilege log but were not identified. Plaintiff must produce all documents and/or electronic communications to which the marital privilege may have been asserted unless another properly asserted privilege applies. If a communication solely between the plaintiff and his wife contains information that could have been withheld on the basis of the attorney-client privilege or work product and that document was not identified in a privilege log, it must be produced. While the parties agreed that documents sent **solely** between counsel for a party and the party did not need to be included on a privilege log, any document that was not sent to or from counsel should have been included on a privilege log if it was being withheld from production. For example if plaintiff received an e-mail from his counsel

containing information subject to the attorney-client privilege, that document would not need to be included on the privilege log. However, if plaintiff then forwarded that e-mail to his wife and that e-mail was not identified on a privilege log, the privilege has been waived and the entire e-mail must be produced.

Entered this 20th day of May, 2015.

_____/s/ 
John F. Anderson
United States Magistrate Judge

John F. Anderson
United States Magistrate Judge

Alexandria, Virginia